

City of Lowell Massachusetts

Annual Action Plan Fiscal Year 2008-2009

SUBSTANTIAL AMENDMENT

For American Recovery and Reinvestment Act Programs Community Development Block Grant - Recovery



FINAL REPORT

Office of the City Manager
Division of Planning and Development
JFK Civic Center, 50 Arcand Drive
Lowell, MA 01852
978-446-7200

May 2009



Substantial Amendment to the Consolidated Plan 2008 Action Plan Community Development Block Grant - Recovery (CDBG-R)

HUD Form SF 424
CDBG Substantial Amendment Narratives
Non-State Certifications
Project Activity Spreadsheet

Application for Federal Assistance SF-424 Version 02					
*1. Type of Submission:	*2. Type of Application	ion * If Revision, select appropriate letter(s)			
☐ Preapplication	⊠ New				
	☐ Continuation	*Other (Specify)			
☐ Changed/Corrected Application	Revision				
3. Date Received: 4.	Applicant Identifier:				
5a. Federal Entity Identifier:		*5b. Federal Award Identifier:			
State Use Only:					
6. Date Received by State:	7. State Ap	pplication Identifier:			
8. APPLICANT INFORMATION:					
*a. Legal Name: City of Lowell					
*b. Employer/Taxpayer Identification N 04-6001396	Number (EIN/TIN):	*c. Organizational DUNS: 079521928			
d. Address:					
*Street 1: 50 Arcand	Drive	<u> </u>			
Street 2: <u>JFK Civice</u>	Center				
*City: Lowell					
County: <u>Middlesex</u>		<u> </u>			
*State: MA MA					
Province:					
*Country: <u>USA</u>					
*Zip / Postal Code <u>01852</u>					
e. Organizational Unit:					
Department Name:		Division Name:			
Office of the City Manager		Division of Planning and Development			
f. Name and contact information of	f person to be contac	cted on matters involving this application:			
Prefix:	*First Name: 1	<u>Adam</u>			
Middle Name:					
*Last Name: <u>Baacke</u>					
Suffix:					
Title: Assistant City Mana	ger/DPD Director				
Organizational Affiliation:					
*Telephone Number: 978-446-7200		Fax Number: 978-446-7014			
*Email: abaacke@lowellma.gov					

Application for Federal Assistance SF-424	Version 02
*9. Type of Applicant 1: Select Applicant Type: C. City or Township Government	
Type of Applicant 2: Select Applicant Type:	
Type of Applicant 3: Select Applicant Type:	
*Other (Specify)	
*10 Name of Federal Agency: U.S. Department of Housing and Urban Development	
11. Catalog of Federal Domestic Assistance Number:	
14.253	
CFDA Title:	
Community Development Block Grant - Recovery	
*12 Funding Opportunity Number:	
*Title:	
13. Competition Identification Number:	
Title:	
14. Areas Affected by Project (Cities, Counties, States, etc.):	
City of Lowell, Massachusetts	
*15. Descriptive Title of Applicant's Project:	
Substantial Amendment to the 2008-2009 Annual Action Plan	

Application for Fed	leral Assistance SF-42	24	Version 02
16. Congressional Di	istricts Of:		
*a. Applicant: MA-5th		*b. I	Program/Project: MA-5th
17. Proposed Project	t:		
*a. Start Date: 7/1/09		*b. I	End Date: 6/30/10
18. Estimated Fundir	ng (\$):		
*a. Federal	\$639,803		
*b. Applicant	, , , , , , , , , , , , , , , , , , , 		
*c. State			
*d. Local	ΦΕ44.000		
*e. Other	\$544,332		
*f. Program Income			
*g. TOTAL	\$1,184,135		
*19. Is Application S	ubject to Review By Sta	te Under Executive Order	12372 Process?
a. This application	n was made available to th	ne State under the Executive	Order 12372 Process for review on
☐ b. Program is subj	ect to E.O. 12372 but has	not been selected by the St	ate for review.
☑ c. Program is not	covered by E. O. 12372		
*20. Is the Applicant	Delinquent On Any Fed	eral Debt? (If "Yes", provi	de explanation.)
☐ Yes 🖂	No		
herein are true, compl with any resulting term me to criminal, civil, or	ete and accurate to the beas if I accept an award. I a	est of my knowledge. I also	ne list of certifications** and (2) that the statements provide the required assurances** and agree to comply tious, or fraudulent statements or claims may subject tion 1001)
★* I AGREE			
** The list of certification agency specific instruction		n internet site where you ma	y obtain this list, is contained in the announcement or
Authorized Represer	ntative:		
Prefix: Mr.		*First Name: Bernard	
Middle Name: <u>F.</u>			
*Last Name: <u>Lync</u>	ch		
Suffix:			
*Title: City Manager			
*Telephone Number:	978-970-4000		Fax Number:
* Email: blynch@lowe	ellma.gov		
*Signature of Authoriz	ed Representative:		*Date Signed:

Application for Federal Assistance SF-424	Version 02
*Applicant Federal Debt Delinquency Explanation	
The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.	

INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form (including the continuation sheet) required for use as a cover sheet for submission of preapplications and applications and related information under discretionary programs. Some of the items are required and some are optional at the discretion of the applicant or the Federal agency (agency). Required items are identified with an asterisk on the form and are specified in the instructions below. In addition to the instructions provided below, applicants must consult agency instructions to determine specific requirements.

Item	Entry:	Item	Entry:
	Type of Submission: (Required): Select one type of submission in accordance with agency instructions. Preapplication Application	10.	Name Of Federal Agency: (Required) Enter the name of the Federal agency from which assistance is being requested with this application.
	 Changed/Corrected Application – If requested by the agency, check if this submission is to change or correct a previously submitted application. Unless requested by the agency, applicants may not use this to submit changes after the closing date. 	11.	Catalog Of Federal Domestic Assistance Number/Title: Enter the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested, as found in the program announcement, if applicable.
2.	Type of Application: (Required) Select one type of application in accordance with agency instructions. New – An application that is being submitted to an agency for the first time.	12.	Funding Opportunity Number/Title: (Required) Enter the Funding Opportunity Number and title of the opportunity under which assistance is requested, as found in the program announcement.
	 Continuation - An extension for an additional funding/budget period for a project with a projected completion date. This can include renewals. Revision - Any change in the Federal Government's financial obligation or contingent liability from an existing obligation. If a 	13.	Competition Identification Number/Title: Enter the Competition Identification Number and title of the competition under which assistance is requested, if applicable.
	revision, enter the appropriate letter(s). More than one may be selected. If "Other" is selected, please specify in text box provided. A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration E. Other (specify)	14.	Areas Affected By Project: List the areas or entities using the categories (e.g., cities, counties, states, etc.) specified in agency instructions. Use the continuation sheet to enter additional areas, if needed.
3.	Date Received: Leave this field blank. This date will be assigned by the Federal agency.	15.	Descriptive Title of Applicant's Project: (Required) Enter a brief descriptive title of the project. If appropriate, attach a map showing project location (e.g., construction or real
4.	Applicant Identifier: Enter the entity identifier assigned by the Federal agency, if any, or applicant's control number, if applicable.		property projects). For preapplications, attach a summary description of the project.
5a 5b.	Federal Entity Identifier: Enter the number assigned to your organization by the Federal Agency, if any. Federal Award Identifier: For new applications leave blank. For a continuation or revision to an existing award, enter the previously assigned Federal award identifier number. If a changed/corrected application, enter the Federal Identifier in accordance with agency instructions. Date Received by State: Leave this field blank. This date will be	16.	Congressional Districts Of: (Required) 18a. Enter the applicant's Congressional District, and 18b. Enter all District(s) affected by the program or project. Enter in the format: 2 characters State Abbreviation – 3 characters District Number, e.g., CA-005 for California 5 th district, CA-012 for California 12 th district, NG-103 for North Carolina's 103 rd district. If all congressional districts in a state are affected, enter "all" for the district number, e.g., MD-all for all
7.	assigned by the State, if applicable. State Application Identifier: Leave this field blank. This identifier will be assigned by the State, if applicable.		congressional districts in Maryland. If nationwide, i.e. all districts within all states are affected, enter US-all. If the program/project is outside the US, enter 00-000.
8.	Applicant Information: Enter the following in accordance with agency instructions:		
	a. Legal Name: (Required): Enter the legal name of applicant that will undertake the assistance activity. This is the name that the organization has registered with the Central Contractor Registry. Information on registering with CCR may be obtained by visiting the Grants.gov website. b. Employer/Taxpayer Number (EIN/TIN): (Required): Enter the	17.	Proposed Project Start and End Dates: (Required) Enter the proposed start date and end date of the project.
	Employer or Taxpayer Identification Number (EIN or TIN) as assigned by the Internal Revenue Service. If your organization is not in the US, enter 44-444444. c. Organizational DUNS: (Required) Enter the organization's DUNS or	18.	or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines, as applicable. If the action will
	DUNS+4 number received from Dun and Bradstreet. Information on obtaining a DUNS number may be obtained by visiting the Grants.gov website. d. Address: Enter the complete address as follows: Street address (Line		result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses.
	required), City (Required), County, State (Required, if country is US), Province, Country (Required), Zip/Postal Code (Required, if country is US). e. Organizational Unit: Enter the name of the primary organizational unit (and department or division, if applicable) that will undertake the	19.	Is Application Subject to Review by State Under Executive Order 12372 Process? Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the

	assistance activity, if applicable. f. Name and contact information of person to be contacted on matters involving this application: Enter the name (First and las	st name application was submitted to the State
	required), organizational affiliation (if affiliated with an organization than the applicant organization), telephone number (Required), fax number, and email address (Required) of the person to contact on matters related to this application.	20. Is the Applicant Delinquent on any Federal Debt? (Required) Select the appropriate box. This question applies to the applicant organization, not the person who signs as the
		authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. If yes, include an explanation on the continuation sheet.
9.	Type of Applicant: (Required) Select up to three applicant type(s) in accordance with agency instructions.	 Authorized Representative: (Required) To be signed and dated by the authorized representative of the applicant organization. Enter the name (First and last name required)
	A. State Government B. County Government C. City or Township Government D. Special District Government E. Regional Organization F. U.S. Territory or Possession G. Independent School District H. Public/State Controlled M. Nonprofit with 501C3 Ii Status (Other than Inst of Higher Education) O. Private Institution of Higher Education Education	titution and email address (Required) of the person authorized to sign for the applicant. A copy of the governing body's authorization for you to sign this application as the official representative must be on file in the applicant's office. (Certain Federal agencies may require
	Institution of Higher Education I. Indian/Native American Tribal Government (Federally Recognized) P. Individual Q. For-Profit Organization (Other than Small Business R. Small Business	
	J. Indian/Native American Tribal S. Hispanic-serving Institu Government (Other than T. Historically Black Colle Federally Recognized) and Universities (HBC)	eges
	K. Indian/Native American Tribally Designated U. Tribally Controlled Coll and Universities (TCCU V. Alaska Native and Nati	Uš)
	L. Public/Indian Housing Authority Hawaiian Serving Instit W. Non-domestic (non-US Entity X. Other (specify)	

CDBG-R SUBMISSION TEMPLATE & CHECKLIST

The American Recovery and Reinvestment Act of 2009 ("Recovery Act") was signed into law by President Obama on February 17, 2009. The Recovery Act awards \$1 billion in CDBG Recovery (CDBG-R) funds to be distributed to cities, counties, insular areas and states, of which \$10 million has been reserved by HUD for its administrative costs and \$10 million of which will be awarded to Indian tribes. Recipients of the remaining \$980 million of CDBG-R funds will be the approximately 1,200 jurisdictions that received CDBG funding in Fiscal Year 2008. This template sets forth the suggested format for grantees receiving funds from CDBG-R. A complete submission contains the information requested below, including:

- (1) The CDBG-R Substantial Amendment (template attached below)
- (2) Spreadsheet for Reporting Proposed CDBG-R Activities (see http://www.hud.gov/recovery)
- (3) Signed and Dated Certifications (see http://www.hud.gov/recovery)
- (4) Signed and Dated SF-424.

<u>Grantees should also attach a completed CDBG-R Substantial Amendment Checklist to ensure completeness and efficiency of review</u> (attached below).

THE CDBG-R SUBSTANTIAL AMENDMENT

CDBG-R Contact Person: Allison Lamey **Jurisdiction(s):** City of Lowell, MA Address: 50 Arcand Drive, Lowell, MA 01852 **Telephone:** 978-446-7200

Jurisdiction Web Address: Fax: 978-446-7014

www.lowellma.gov Email: alamey@lowellma.gov

Ensuring Responsible Spending of Recovery Act Funds

Funding available under the Recovery Act has clear purposes – to stimulate the economy through measures that modernize the Nation's infrastructure, improve energy efficiency, and expand educational opportunities and access to health care. HUD strongly urges grantees to use CDBG-R funds for hard development costs associated with infrastructure activities that provide basic services to residents or activities that promote energy efficiency and conservation through rehabilitation or retrofitting of existing buildings. While the full range of CDBG activities is available to grantees, the Department strongly suggests that grantees incorporate consideration of the public perception of the intent of the Recovery Act in identifying and selecting projects for CDBG-R funding.

A. Spreadsheet for Reporting Proposed CDBG-R Activities

Grantees must provide information concerning CDBG-R assisted activities in an electronic spreadsheet provided by HUD. The information that must be reported in the spreadsheet includes activity name, activity description, CDBG-R dollar amount budgeted, eligibility category, national objective citation, additional Recovery Act funds for the activity received from other programs, and total activity budget. An electronic copy of the spreadsheet and the format is available on HUD's recovery website at http://www.hud.gov/recovery.

Response:

A complete list of CDBG-R assisted activities is included on the attached spreadsheet.

The following table outlines the City of Lowell's planned expenditures in compliance with regulatory expenditure limitations for the CDBG-R program.

Requirement	Required	Planned
CDBG-R Total Allocation		\$639,803.00
CDBG-R Administration Cap (10%)	<= \$63,980.00	\$63,980.00
CDBG-R Public Service Cap (15%)	<= \$94,620.00	\$30,000.00

All jobs created/retained through programs supported with CDBG-R funds will target low- and moderate-income residents of Lowell. In accordance with HUD's regulations at least 70% of the CDBG-R funds will benefit low- and moderate-income individuals.

B. CDBG-R Information by Activity (Complete for each activity)

(1) <u>Activity Name</u>: (Grantees should follow the same order that activities are listed in the Spreadsheet for Reporting Proposed CDBG-R Activities – this will allow HUD to easily match activity narratives with the information provided in the spreadsheet.)

The following activities will be supported with CDBG-R funds.

Organization-Program	CDBG-R Funds
Accion, USA – Microlending Program	\$15,000.00
Acre Family Day Care – Microenterprise	\$30,000.00
Banc of America CDC/Architectural Heritage Foundation – Hamilton Crossing	\$64,823.00
City of Lowell, DPD – Best Retail Practices	\$70,000.00
City of Lowell, DPD – Downtown Improvements	\$125,000.00
City of Lowell, DPD – Economic Development Financial Asst.	\$230,000.00
Community Teamwork, Inc Small Business Assistance Center	\$11,000.00
Community Teamwork, Inc. – Suitability	\$15,000.00
United Teen Equality Center – Transitional Employment Program	\$15,000.00
City of Lowell, DPD – Administration	\$63,980.00
Total	\$639,803.00

(2) Activity Narrative:

In addition to the Spreadsheet for Reporting Proposed CDBG-R Activities, grantees must provide a narrative for each activity describing how the use of the grantee's CDBG-R funds will meet the requirements of Title XII of Division A and Section 1602 of ARRA. The grantee's narrative must also state how CDBG-R funds will be used in a manner that maximizes job creation and economic benefit in relation to the CDBG-R funds obligated, and will address the Recovery Act, by:

- Preserving and creating jobs and promoting economic recovery;
- Assisting those most impacted by the recession;
- Providing investment needed to increase economic efficiency;
- Investing in transportation, environmental protection, or other infrastructure that will provide long-term economic benefits;
- Minimizing or avoiding reductions in essential services; or
- Fostering energy independence.

Response:

In selecting projects to receive CDBG-R funds, particular emphasis was placed on activities that could be under contract within 120 days of funding availability, as required in Title XII of Division A of the Recovery Act. DPD Staff will prepare the paperwork and grant agreement forms with its subrecipients to ensure that all documentation required by CDBG-R and the ARRA are in place, including documentation related to transparency and OMB guidelines. Subrecipient contracts will include HUD's guidance governing the CDBG-R program. In addition, each subrecipient will specify data protocols, fiscal reporting and expenditure procedures in compliance with other HUD and City of Lowell requirements. The contracting process will begin upon the City's receipt of notification by HUD of approval of its Substantial Amendment to the 2008 Action Plan.

Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Community Development Block Grant – Recovery Program

Consistent with Section 1602 of the Recovery Act, the City has allocated CDBG-R funds for activities that will, to the greatest extent possible, maximize the number of jobs created and provide an economic benefit to the community. The activities selected for funding will meet the priorities of the ARRA as follows:

Preserve/Create Jobs & Promote Economic Recovery

Many of the programs supported with CDBG-R funds will directly benefit local businesses and impact the number of jobs available to Lowell's low- and moderate-income residents. The following programs are expected to assist approximately 52 businesses and result in the creation/retention of 35 jobs.

- Accion, USA Microlending Program
- Acre Family Day Care Family Childcare Business Development
- City of Lowell, DPD Best Retail Practices
- City of Lowell, DPD Economic Development Financial Assistance
- Community Teamwork, Inc. Lowell Small Business Assistance Center

Assist Those Most Impacted by the Recession

Two local public service agencies will use CDBG-R funds to provide services to low- and moderate-income residents most impacted by the recession. Services will include job training, case management, and help with interviewing skills and resume building. Approximately 125 individuals are expected to be assisted through the services of the following programs, improving their access to both temporary or permanent jobs.

- Community Teamwork, Inc. SuitAbility
- United Teen Equality Center Transitional Employment Project

Provide Investment Needed to Increase Economic Efficiency

In addition to preserving and creating jobs and promoting economic recovery, the five activities described earlier will also increase local economic efficiency by providing direct investment in local businesses. CDBG-R funds will also support a historic preservation project in Lowell's downtown. The former Hamilton Mills building will be converted into a mixed use development to include space for the Lowell Community Health Center's Metta Center. This facility serves a significantly large percentage of Lowell's minority and low-/moderate-income population. The expansion of the Center will allow for more office space and exam rooms, increasing employment opportunities for health care professionals. A number of construction related jobs will also be created as a result of this activity.

• Banc of America/Architectural Heritage Foundation – Hamilton Crossing

Invest in Infrastructure that Provides Long-Term Economic Benefits

Consistent with the goals of the Consolidated Plan which included supporting the vitality of Lowell's Downtown arts and business district, CDBG-R funds will be used to make pedestrian improvements that will provide safe, handicapped access to downtown businesses, cultural venues, and public facilities. More than 51% of residents in Lowell's downtown are low- to moderate-income. Construction related jobs will be created as a result of this activity.

• City of Lowell, DPD – Downtown Improvements

(3) <u>Jobs Created:</u> (Report the number of full- and part-time jobs estimated to be created and retained by the activity (including permanent, construction, and temporary jobs)).

Each of the activities assisted with CDBG-R funds will have significant impacts on the local economy including the creation of new jobs. With the exception of the jobs created through the temporary construction-related projects, the jobs created by these programs will be permanent.

	Proposed	
Organization-Program	Accomplishments	Type of Job
Accion, USA – Microlending Program	4 Businesses/4 Jobs	Permanent
Acre Family Day Care - Microenterprise	40 Businesses/30 Jobs	Permanent
Banc of America CDC/Architectural Heritage Foundation – Hamilton Crossing	tbd	Permanent/Temporary/Construction
City of Lowell, DPD – Best Retail Practices	20 Businesses	Permanent
City of Lowell, DPD – Downtown Improvements	tbd	Temporary/Construction
City of Lowell, DPD – Economic Development Financial Assistance	20 Jobs	Permanent
Community Teamwork, Inc. – Small Business Assistance Center	2 Businesses/11 Jobs	Permanent
Community Teamwork, Inc. – Suitability	100 Jobs	Permanent
United Teen Equality Center – Transitional Employment Program	15 Jobs	Permanent

(4) <u>Additional Activity Information:</u> (A description of how the activity will promote energy conservation, smart growth, green building technologies, or reduced pollution emissions, if applicable.)

The City has adopted the use of energy star standards in the development of housing assisted with City funding. This policy will be applied to the redevelopment of the Hamilton Crossing project by Banc of America, CDC and Architectural Heritage Foundation. This practice not only ensures that the property promotes energy conservation but that the operations of the housing units are affordable for the occupants.

The Hamilton Crossing project is a part of the City's overall redevelopment of the Jackson/Appleton/Middlesex (JAM) Urban Renewal District, which includes smart growth principles. Consistent with the redevelopment of this neighborhood, the property is being redeveloped at a high density and will utilize existing infrastructure when possible. The property is located within a quarter mile of a commuter rail station. This convenience will encourage walking and public transportation uses and decrease the impacts associated with excessive vehicle trips.

Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Community Development Block Grant – Recovery Program

(5) <u>Responsible Organization</u>: (Contact information for the organization that will implement the CDBG-R activity, including its name, location, and administrator contact information)

Project locations and contact information for each activity supported with CDBG-R funds is listed in the table below.

Organization-Program	Project Location	Contact Name	Mailing Address	Telephone
Accion, USA – Microlending Program	Lowell - Citywide	Paul Quintero	115 E. 23rd St. NY, NY 10010	(646) 833-4514
Acre Family Day Care – Microenterprise	Lowell - Citywide	Kathy Reticker	14 Kirk St., Lowell, MA 01852	(978) 937-5899
Banc of America CDC/Architectural Heritage Foundation – Hamilton Crossing	165 Jackson Street	Loryn Sheffner	1 Federal St, Boston, MA 02110	
City of Lowell, DPD – Best Retail Practices	Lowell - Citywide	Theresa Park	50 Arcand Dr., Lowell, MA 01852	(978) 446-7200
City of Lowell, DPD – Downtown Improvements	Lowell - Downtown	Diane Tradd	50 Arcand Dr., Lowell, MA 01852	(978) 446-7200
City of Lowell, DPD – Economic Development Financial Assistance	Lowell - Citywide	Theresa Park	50 Arcand Dr., Lowell, MA 01852	(978) 446-7200
Community Teamwork, Inc. – Small Business Assistance Center	88 Middle Street	Russ Smith	88 Middle St., Lowell, MA 01852	(978) 322-8401
Community Teamwork, Inc. – Suitability	536 Pawtucket Street	Kathy Hayes	536 Pawtucket St., Lowell, MA 01854	(978) 934-8898
United Teen Equality Center – Transitional Employment Program	34 Hurd Street	Gregg Croteau	34 Hurd St., Lowell, MA 01852	(978) 265-7173

C. PUBLIC COMMENT

Provide a summary of public comments received to the proposed CDBG-R Substantial Amendment.

Note: A Proposed CDBG-R Substantial Amendment must be published via the usual methods and posted on the jurisdiction's website for no less than 7 calendar days for public comment.

Response:

As required by the Department of Housing and Urban Development Rules and Regulations, the City complies with regulation 24 CFR 91.105, Citizen Participation Plan for local governments as outlined. The components of Lowell's citizen participation plan have been designed with the explicit intention of accommodating and encouraging participation by low- and moderate-income residents, residents of low- and moderate-income neighborhoods, members of minority groups, persons with limited English proficiency, and persons with disabilities.

With the release of the American Recovery and Reinvestment Act and the CDBG-R guidelines, HUD emphasized that CDBG-R funds should target programs that create/retain jobs and provide

Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Community Development Block Grant – Recovery Program

economic stimulus activities. Given this guidance, along with the requirement that funds be under contract within 120 days, a number of economic development programs originally recommended for funding with FY09-10 CDBG funds were redirected to the CDBG-R program. Making this change ensures that the City complies with HUD's directive while employing a fair and citizen led process to allocate the funds. This process also allowed the City to support more projects and programs than otherwise would have been possible.

Programs supported with CDBG-R funds are included as a Substantial Amendment to the 2008-09 Annual Action Plan. A draft of the Substantial Amendment and CDBG-R spending plan was made available for a 30-day public comment period beginning March 30, 2009. An announcement on the availability of the Draft was made in the *Lowell Sun*, on the City's website, and in posted notices in English, Spanish, Portuguese, and Khmer (Cambodian). A summary of the draft spending plan was e-mailed to all interested parties, made available on the City's website, and available for review at the DPD office, the Office of the City Clerk, and the Pollard Memorial Library. Copies were also available at a public hearing on April 9, 2009. The hearing was held at the Lowell Senior Center, to solicit comments on the draft. This location is in the heart of one of Lowell's lowest-income neighborhoods, is a fully accessible facility and offers ample free parking.

The City did not receive any public comments on the draft Substantial Amendment.

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CDBG-R Substantial Amendment Grantee Checklist

For the purposes of expediting review, HUD asks that applicants submit the following checklist along with the CDBG-R Substantial Amendment, Spreadsheet for Reporting Proposed CDBG-R Activities, and SF-424.

Contents of a CDBG-R Action Plan Substantial Amendment Jurisdiction(s): **CDBG-R Contact Person:** Allison Lamey City of Lowell, MA **Address:** 50 Arcand Drive, Lowell, MA 01852 **Telephone:** 978-446-7200 **Jurisdiction Web Address: Fax:** 978-446-7014 Email: alamey@lowellma.gov www.lowellma.gov The elements in the substantial amendment required for the CDBG recovery funds are: A. Spreadsheet for Reporting Proposed CDBG-R Activities Does the submission contain a paper copy of the Spreadsheet for Reporting Proposed CDBG-R Activities? Yes No Verification found on page 2 Does the submission include an electronic version of the Spreadsheet for Reporting Proposed CDBG-R Activities sent to the email box CDBG-R@hud.gov? Yes No Date Spreadsheet was emailed: 6/5/2009 Does the Spreadsheet for Reporting Proposed CDBG-R Activities include, for each activity: amount of funds budgeted for each activity, including CDBG-R funds, any additional Recovery Funds used and total activity budget, Verification found on page(s) Attached Spreadsheet Yes No the Eligibility citation (eligibility regulatory cite or HCDA cite), Yes No Verification found on page(s) Attached Spreadsheet the CDBG national objective citation, Yes No Verification found on page(s) Attached Spreadsheet

City of Lowell, MA

Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Community Development Block Grant - Recovery Program

B. CDBG-R Information by Activity

Does the submission contain information by activity describing how the grantee will use the funds, including:

•			ctivity describing how CD on and economic benefit,	BG-R funds wi	ll be use	d in a ma	nner that
			Verification found on page	ge(s) <u>3-4</u>			
•	· · · —	ed number of j No	obs created for each activi Verification found on pag	•			
•	whether Yes⊠		ill promote energy efficier Verification found on pag		ation,		
•		e, location, an	nd contact information for Verification found on pag		vill carry	y out the a	activity,
•	evidence planning		e than 10% of the grant am	ount will be sp	ent on a	dministra	tion and
		No [Verification found on page	ge (s) 2 & Atta	ched Sp	readshee	<u>et</u>
•	evidence Yes⊠		e than 15% of the grant am Verification found on pag				
•	evidence Yes 🔀		70% of the grant amount v Verification found on pag		sons of l	ow and m	noderate income,
Was th	ne propos	no less than 7	D amendment published via calendar days of public co Verification found on pag	omment?	n's usua	ıl method	s and on
Is ther	e a summ Yes⊠	nary of citizen	comments included in the Verification found on page		ent?		
	ERTIFICAT		are complete and accurate:				
(2) A (3) D (4) A (5) A (6) C	nti-displa rug-free \ nti-lobbyi uthority o	ely furthering incement and reworkplace ing of jurisdiction y with plan	•	Ye Ye Ye Ye	s S S S S S S S S S S S S S S S S S S S	No	

City of Lowell, MA 9

Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Community Development Block Grant – Recovery Program

(8)	Community development plan	Yes⊠	No
(9)	Following a plan	Yes⊠	No 🗌
(10)	Use of Funds	Yes⊠	No.
(11)	Excessive Force	Yes⊠	No 🗌
(12)	Compliance with anti-discrimination laws	Yes⊠	No
(13)	Lead-based paint procedures	Yes⊠	No 🗌
(14)	Compliance with laws	$Yes \boxtimes$	No.
(15)	Compliance with ARRA	-	No.
(16)	Project selection	$Yes \boxtimes$	No.
(17)	Timeliness of infrastructure investments	$Yes \boxtimes$	No.
(18)	Buy American provision	$Yes \boxtimes$	No 🗌
(19)	Appropriate use of funds for infrastructure investments	Yes⊠	No 🗌
(20)	70% of CDBG-R for LMI	Yes⊠	No
Opti	ional Certification		
(21)	Urgent Need	Yes	No 🗌
	STATE CERTIFICATIONS following certifications are complete and accurate:		
(1)	Affirmatively furthering fair housing	Yes	No□
(2)	Anti-displacement and relocation plan		No
(3)	Drug-free Workplace	Yes	No
(4)	Anti-lobbying	=	No
(5)	Authority of State		No
(6)	Consistency with plan	=	No□
(7)	Section 3	=	No
(8)	Community development plan		No∏
(9)	Consultation with Local Governments	=	No∏
(10)	Use of Funds	Yes	No□
(11)	Excessive Force	Yes	No
(12)	Compliance with anti-discrimination laws	Yes	No
	Compliance with laws	Yes	No□
	Compliance with ARRA	Yes	No□
	Project selection	Yes	No
. ,	Timeliness of infrastructure investments	Yes	No∏
` ′	Buy American provision	=	No□
	Appropriate use of funds for infrastructure investments		No□
	70% of CDBG-R for LMI	=	No
Opti	onal Certification		
(20)	Urgent Need	Yes	No

City of Lowell, MA

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CERTIFICATIONS

- (1) **Affirmatively furthering fair housing.** The jurisdiction will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard.
- (2) **Anti-displacement and relocation plan.** The jurisdiction will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601), and implementing regulations at 49 CFR part 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under CDBG-R.
- (3) **Drug Free Workplace.** The jurisdiction will or will continue to provide a drug-free workplace by:
 - 1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - 2. Establishing an ongoing drug-free awareness program to inform employees about
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - 3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
 - 4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - 5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
 - 6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted:
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

- (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- 7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.
- (4) **Anti-lobbying**. To the best of the jurisdiction's knowledge and belief:
 - 1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
 - 2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
 - 3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
- (5) **Authority of Jurisdiction**. The jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations and other program requirements.
- (6) **Consistency with Plan**. The housing activities to be undertaken with CDBG-R funds are consistent with its consolidated plan.
- (7) **Section 3**. The jurisdiction will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.
- (8) **Community development plan.** The jurisdiction certifies that the consolidated housing and community development plan identifies housing and community development needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the statute authorizing the CDBG program.
- (9) **Following a plan**. The jurisdiction is following a current consolidated plan that has been approved by HUD.
- (10) **Use of funds**. The jurisdiction has developed activities so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families or aid in the prevention of slums or blight. Additional activities may be included that are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs It has complied with the following criteria:

- 1. **Maximum Feasible Priority**. With respect to activities expected to be assisted with CDBG-R funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);
- 2. Special Assessments. The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG-R funds by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements. However, if CDBG-R funds are used to pay the proportion of a fee or assessment attributable to the capital costs of public improvements (assisted in part with CDBG-R funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds. The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG-R funds, unless CDBG-R funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds. In addition, with respect to properties owned and occupied by moderate-income (but not low-income) families, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds if the jurisdiction certifies that it lacks CDBG-R or CDBG funds to cover the assessment.
- (11) **Excessive Force**. The jurisdiction certifies that it has adopted and is enforcing: (1) a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and (2) a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.
- (12) **Compliance with anti-discrimination laws**. The CDBG-R grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601-3619), and implementing regulations.
- (13) **Compliance with lead-based paint procedures.** The activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K, and R of this title.
- (14) **Compliance with laws**. The jurisdiction will comply with applicable laws.
- (15) **Compliance with ARRA.** The jurisdiction will comply with Title XII of Division A of the American Recovery and Reinvestment Act of 2009.
- (16) **Project selection.** The jurisdiction will select projects to be funded, by giving priority to projects that can award contracts based on bids within 120 days from the date the funds are made available to the recipient, and that will ensure maximum job creation and economic benefit.
- (17) **Timeliness of infrastructure investments.** When the jurisdiction uses CDBG-R funds for infrastructure investments, the grantee will give preference to quick-start and finish activities, including a goal to use at least 50 percent of the funds for activities within 120 days of enactment of the Recovery Act.

- (18) **Buy American provision.** The jurisdiction will ensure that all iron, steel and manufactured goods used in construction, alteration, repair, or maintenance of a public building or public work project assisted with CDBG-R funds under the Recovery Act must be produced in the United States unless the Secretary finds that: (1) the requirement is inconsistent with public interest; (2) those goods are not reasonably available or produced in sufficient quantity in the U.S.; (3) or the use of the goods will increase the project cost by more than 25 percent.
- (19) **Appropriate use of funds for infrastructure investments.** The Governor, mayor, or other chief executive, as appropriate certifies, that any infrastructure investments have received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. Alternatively, a grantee's chief elected official certifies that infrastructure investments will receive the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars.

(20) 70% of CDBG-R for LMI. The aggregate use of CDBG-R funds shall principally benefit persons
of low and moderate income in a manner that ensures that at least 70 percent of the grant is expended for
activities that benefit such persons over the life of the CDBG-R grant.

Signature/Authorized Official	Date
Title	

CDBG-R Activity Data Spreadsheet

Jurisdiction/Grantee Name: City of Lowell, Massachusetts		CDBG-R Fomula Grant Amount: \$639,803			Date: May 2009		
Activity Name	Activity Description	Eligibility (Regulatory or HCDA Citation)	National Objective Citation	CDBG-R Project Budget (\$)	Additional Recovery Funds (\$)	Other Leveraged Funding (\$)	Total Activity Budget
Accion, USA - Microlending Program	Financial literacy and microlending program for low-/mod-income entrepreneurs, especially targeting minority business owners.	570.203(b) Direct Financial Assistance to For- Profits	LMJ 570.208(a)(4)	\$15,000.00	\$0.00	\$52,210.00	\$67,210.00
Acre Family Daycare - Family Childcare Business Devpt.	Training for low-income women to run home-based family child care businesses. Program continues to support businesses with referrals, technical assistance and professional development.	570.203(b) Microenterprise	LMCMC 570.208(a)(2)(iii)	\$30,000.00	\$0.00	\$110,000.00	\$140,000.00
Banc of America/Architectural Heritage Foundation - Hamilton Crossing	Historic Preservation of Hamilton Mills building. Renovations will include expansion of LCHC Metta Center which provides health services to low/mod-income residents.	570.201(b) Historic Preservation	LMA 570.208(a)(1)	\$64,823.00	\$0.00	\$150,000.00	\$213,824.00
City of Lowell, DPD - Best Retail Practices	Three-part program to assist retailers and restaurants with technical assistance, professional consultation, and grant support, to upgrade/improve business's bottom line.	570.203(b) Technical Assistance	LMJ 570.208(a)(4)	\$70,000.00	\$0.00	\$0.00	\$70,000.00
City of Lowell, DPD - Downtown Improvements	Implementation of pedestrian improvements in downtown business district. Improvements will address action steps identified as part of the City of Lowell Downtown Summit and will provide safe, handicapped access, to downtown businesses and restaurants.	570.201(c) Street Improvements	LMA 570.208(a)(1)	\$125,000.00	\$0.00	\$0.00	\$125,000.00
City of Lowell, DPD - Economic Development Financial Assistance	Offer direct financial assistance to new and existing businesses that will lead to job creation and retention.	570.203(b) Direct Financial Assistance to For- Profits	LMJ 570.208(a)(4)	\$230,000.00	\$0.00	\$0.00	\$230,000.00
Community Teamwork, Inc Lowell Small Business Assistance Center	Provide entrepreneurs from ethnically and economically diverse backgrounds with the education, tools, and resources necessary to launch, expand, and sustain small businesses.	570.203(b) Technical Assistance	LMJ 570.208(a)(4)	\$11,000.00	\$0.00	\$0.00	\$11,000.00
Community Teamwork, Inc SuitAbility	Assist low-income women with employment related services resulting in their full-time employment at a sustainable wage to move them from the poverty level.	570.201(e) Employment Training	LMC 570.208(a)(2)	\$15,000.00	\$0.00	\$72,122.00	\$87,122.00

CDBG-R Activity Data Spreadsheet

Jurisdiction/Grantee Name: City of Lowell, Massachusetts			CDBG-R Fomula Grant Amount: \$639,803				Date: May 2009	
Activity Name	Activity Description	Eligibility (Regulatory or HCDA Citation)		CDBG-R Project Budget (\$)	Additional Recovery Funds (\$)	Other Leveraged Funding (\$)	Total Activity Budget	
	Increase economic opportunities for youth most disengaged from education and the workforce. Build individual responsibility and commitment through highly supervised low-skill work and intensive monitoring, case management services, and job training.	570.201(e) Employment Training	LMC 570.208(a)(2)	\$15,000.00	\$0.00	\$160,000.00	\$175,000.00	
City of Lowell - CDBG-R Administration	Provide management, compliance, and planning activities for the City of Lowell's Community Development Block Group - Recovery Program	570.206 General Program Administration	Not Applicable	\$63,980.00	\$0.00	\$0.00	\$63,980.00	
Total				\$639,803.00	\$0.00	\$544,332.0 0	\$1,184,135.00	